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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,041	01/10/2000	JEFFERSON B. BURCH	10982344	3831

22878 7590 07/02/2002

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EXAMINER

BUI, BRYAN

ART UNIT PAPER NUMBER

2863

DATE MAILED: 07/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/480,041

Applicant(s)

BURCH

Examiner

B. Bu

Group Art Unit

2863

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on Amendment filed on 4/23/02

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-3, 6, and 9-14 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3, 6, and 9-14 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

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DETAILED ACTION

Notice to Applicant

1. Applicant's papers filed on 4/23/2002 have been received and entered. Claims 4-5 and 7-8 have been cancelled. Claims 1-3, and 6 have been amended. Claims 1-3, 6, and 9-14 are pending in the application.
2. Applicant's remarks have been considered but are moot in view of the new ground of the rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eidson (U.S. Patent No. 6,205,362) in view of Eidson (U.S. Patent No. 5,566,180).

With respect to claims 1-3 and 6, Eidson teaches a distributed system comprising a set of nodes that communicate via a network, a set of node applications distributed among the nodes (see e.g. Figure 1); **generating a time stamp record for each of a set of significant events associated with one or more node applications include a synchronized clock to provide a**

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synchronized time base across the nodes (see, e.g. column 3, lines 23+). It should be noted that the significant events are known as any events which cause to change/interactive between software components such reboot, shutdown, etc.

Eidson ('362) teaches the features of the invention as set forth above, and further include component node which comprises a memory (event logs) for storing the events, configuration messages in the application controls in a distributed control system that implemented with programmable logic controllers using self describing **packets including time stamps** corresponding to the software events and a time value obtained from one of the synchronized clocks (see, e.g column 1, lines 11-32, column 3, lines 23+, and column 10, lines 41-55). Eidson ('362) does not expressly disclose each time-stamp record include identifier. Eidson ('180) teaches a time-stamp record include identifier corresponds to the software event in distributed network of nodes with clock synchronization (see, e.g. Fig 3, column 3, lines 7-23). It would have been obvious to one of ordinary skill in the art to modify the teachings of Eidson ('362) to include a time-stamp record include identifier corresponds to the software event in distributed network of nodes with clock synchronization as taught by Eidson ('180), because Eidson ('180) teaches a precise manner of identifier in timing packet for unique identification the events in the distributed system.

With respect to claim 9, Eidson further teaches function for starting and stopping the time stamp records (see, e.g. column 5, lines 23-35).

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5. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eidson (U.S. Patent No. 6,205,362).

With respect to claims 10-11, Eidson teaches a performance monitoring distributed system comprising a set of **nodes** (known as component nodes or components) that communicate via a network, providing each of a set of nodes applications associated with the distributed application (see e.g. Figure 1, and column 1, lines 19-32, column 3, lines 13-22), and each of a set of nodes applications associated with the distributed application with the functionality to generate a time-stamp record when one of the significant events occur, and analyzing time stamp records from the node application corresponds to the significant events which are generated in the distributed application (see, e.g. column 3, lines 23-32, column 10, lines 11-55). It is noted that the significant events are known as any events which cause to change/interactive between software components, such as reboot, shutdown, etc.

Eidson does not expressly indicate "running an experiment" as claimed application. However, Eidson shows the operation of first example application in the distributed system which indicate one or more of the significant events. Therefore, it would have been obvious to one of ordinary skill in the art to include a step of running experiment in the distributed application that generates one or more of the significant events in the teachings of Eidson, because Eidson teaches a precise manner for the time stamp records corresponds to the events in the operation of the first example application which have the same function to provide the running an experiment. The motivation would have been made a system more accurate.

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6. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eidson (U.S. Patent No. 6,205,362) in view of Eidson (U.S. Patent No. 5,566,180).

With respect to claims 12-14, Eidson ('362) teaches each of component nodes comprises a memory for storing the events, configuration messages in the application controls in a distributed control system that implemented with programmable logic controllers using self describing packets including time stamps (see, e.g. column 1, lines 11-32, column 10, lines 41-55). Eidson ('362) does not show steps of: generating a graphical represent of the time stamp records; determining a set of delays, and correcting the time stamp records in response to the delays. Eidson ('180) teaches these limitations (see, e.g. column 7, line 10 to column 8, line 23). It would have been obvious to one of ordinary skill in the art to modify the invention as taught by Eidson ('362) to include these functional elements of Eidson ('180), because Eidson ('180) teaches a precise manner of generating a graphical of the time stamp records, determining a set of delays in execution of the node applications and making the correction of the time-stamp records in response to the delays in the same field of the application nodes in distributed system.

Response to Argument

7. Applicant's argument is that Eidson ('362) does not suggest: **a time-stamp record include identifier corresponds to the software event in distributed network of nodes with clock synchronization**; Obtaining the time stamp records via a net work and analyzing the records. It is noted that in computing technology, a packet as disclosed in Eidson ('362) may also include identifier (see Computer dictionary). But for clearly response to these remarks, Examiner

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provides this limitation is taught by Eidson ('180), because Eidson ('180) teaches a precise manner of identifier in timing packet for unique identification the events in the distributed system. Eidson ('362) clearly disclose obtaining the time stamp records via a net work and analyzing the records (see, e.g. figure 1 and column 1, lines 19-32, column 3, lines 13-32). Moreover, Eidson still disclose the monitoring function in the distributed system (column 3, lines 13+).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Bui whose telephone number is (703) 305-4490. The examiner can normally be reached on Monday-Thursday from 7:00am to 4:00pm. The examiner can also be reached on alternate Fridays from 7:00am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hilten, can be reached on (703) 308-0719.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-7382/308-7722 (for informal or draft
communications, please label "PROPOSED" or "DRAFT")

*Hand-delivered responses should be brought to Crystal Plaza 4,
Arlington. VA., Fourth Floor (Receptionist).*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

B Bui

6/28/2002


**BRYAN BUI
PRIMARY EXAMINER**